TRUE LIBERTY IN DANGER. COL BARTLETT'S SPEECH AGAINST THE ELLSWORTH BILL.

a Arraignment of the Measure as Unneces-mer, Unusual, and Unconstitutional-Its New Crime-Contrary to the Sairit of All Augio-Saxon Law-The Old Bill of Rights, ALBANT, Feb. 16.—The Senate Judiciary Com-MISANY, Feb. 16.—The Senate Judiciary Committee gave a hearing this afternoon on the Eleworth anti-newspaper bill. The principal argument against it was made by Col. Franklin Bartlett, as counsel for THE SUN Printing and Publishing Association, who said:

Fabiliation Associate to appear before you to-day "I have the honor to appear before you to-day is opposition to what is now popularly known as the Elisworth bill, or the Elisworth Libel bill, I appear for THE SUN Printing and Publishing Association, the owner of THE SUN and THE EVENING SUN, published in the city of New York. THE SUN or the editor of THE SUN thirty years past has never failed on every occasion or opportunity to maintain and to assert the importance of a strict adherence to the constitutional guarantee of freedom of speech and of the press; and, although it has been said to the editor of THE SUN that it been said to the editor of THE SUN that it should not be imagined that the pro-jected measure, or proposed law, was de-signed to strike at THE SUN, the editor of that newspaper has felt himself bound in conscience to adhere to those principles which were maintained so nouly by his father for over a quarter of a contury, and to which he has adhered since he succeeded to the administration and control of that journal.

My objections to this bill, to this proposed law, may be grouped under three heads. In the first place, we claim that the legislation is unecessary; in the second place, that it violates every principle of natural justice, and in the third place, that it is unconstitional, and, being unconstitutional, is void and beyond the power of the Legislature to enact-that is, in the sense of making Of course I should not assert for one moment that it is not within the power of the Legislature to pass any act, however unconstitutional, if it sees fit so to do. But I shall andeavor briefly to state the objections which I have just outlined and to convince this committee that such legislation is not only unwise but is pernicious and unjust in character.

One would imagine that we had no libel law spon our Statute books; one would imagine that there was no law against obscene literature, for I am told that the word 'libelous' is to bestricken out, so that the inference may be frawn that it does not strictly apply to the law of libel. Now, the law of libel embraces nearly every wrong, their being but a few exceptions, which is committed by the use of words either spoken or written, and in the great case in the English Court of Appeals in which Charles Bradlaugh and Annie Besant

with penalties minglest in the main crime is to have manner.

"In the first place, the main crime is to have anything whatsoover to do with the printing or publishing of a newspaper, not that it is corrust, degraded, deprayed, or indecent, but that by some construction in the minds of some furly somewhere in one of the sixty counties of the State can be held to have a tendency to corrupt the morals of some one person or to de-

the state can be held to have a tendency to correct the morals of some one person or to degrate that person or to injure him.

"Uses conviction of this tendency to corrupt or lajure the mind or morals the defendant is punished by a fine of not more than \$1,000 or by high some time of more than none year, or by high such fine and imprisonment. For a second offence the number human is imprisonment for from one year to five years. Then the fine disappears, but the term of imprisonment is intreased.

media acrime to use the name which had former't been used by the paper!

Then we have other penalties. If the offender is a domestic corporation its charter is to
be forfeited; if a foreign corporation it is
to be prohibited from doing any further
usiness within the borders of this State.

And then there is yet another additionproviding that any one who transgresses the
neighbor that any one who transgresses the
softeness of the courts in such cases.

But that was not enough. That was not
sufficiently drastic. That doesn't strike the
oras of toe State enough, so the second section
pose on 10 create an absolutely new crime unpeard of the annals of any State or in the
regeds of any Legislature. And that is what?
It makes it a hisdemeanor to fail
to publish the name of any one connected with the new-paper. It applies to every
puber-end or circulated throughout the State of
New York. The first provision declares that
very paper circulated in this State shall contain aprinted statement setting forth the names
of such paper, and if it fails to do this every
misdemanor.

Why pass such an absurd law! Imagine the
situation for one moment! Fancy any business
occurs being obliced to print daily the names
of every owned the paper is guilty of a
stransgresse.

"Why pass such an absurd law! Imagine the situation for one moment! Fancy any business concern being oblined to print daily the names of every stockholder, of every emiloyee, of the control of thing be somewhat onerous! Would that kind of thing be admired! And this new crime is also, to be punished by a fine of not more than \$1,000 or by imprisonment for not longer than sone year or by both the and imprisonment. Can appear by both the and imprisonment. Can appear by both the and imprisonment. Can appear and the face of the control of the emiliary misdemeanor or public wrong! Before alluding to the radical changes the criminal law which appear on the face of this extraordinary bill I shall discuss a third which provides that after there have been two convictions of the same personsor of two different persons for the publication of any of this matter which it has been thought after she has anything whatsoever to do with the newspaper shall be guilty of a misterior than the property of the same persons of the matter which it has been thought after she has anything whatsoever to do with the newspaper shall be guilty of a misterior particular to the results of the same persons thereafter shall be a literations and so person thereafter can have anything to do with the without the same person thereafter.

countries. We find every fundamental principle of trial under the criminal law stricken down. And what is the first change? It is a change in the indictment. But before I go on to indicate the changes in the mode of trial I may as well state briefly what my conviction is on the constitutional points.

"I have already shown, I imagine, sufficiently from the reading and citation of the existing provisions of the Penal Code that there can be no earthly necessity of any such legislation as that suggested in the bill now before you. That this measure contravenes every principle of natural justice is necessarily involved in the discussion of the constitutional points, so I shall not discuss that point separately; but I will state briefly what we contend as to the unconstitutionality of the measure.

"It is in the first place that this bill violates that provision of the constitution—found in the new constitution of 1894 as well as in former constitutions—which guarantees freedom of speech and of the press. It is the provision contained in section 8.

"Freedom of speech and of the press."

"Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel the truth may be given in evidence to the jury and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

"We maintain that if ever any proposed law ever the constitution and abridge the restrain of the constitution of the freedom of the freedom of the press."

with good motives and for Justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

"We maintain that if ever any proposed law sought to restrain and abridge the freedom of the press or the liberties of the press or the fine press or the liberties of the press or restrain it, and one could not easily imagine a measure more clearly designed to carry out such a purpose. I understand that it has been urged in favor of this bill that the constitutional guarantee of the liberty of the press was all very well at the time of the enactment of our original State Constitution, as well as at the time of the first amendment to that grand instrument, the Federal Constitution. We are told that such provisions and guarantees were all very well in the formative period of the country's history, but now they may be abrogated; that there is no further use for them. That, to my mind, is a dazzling theory.

"Let us see what one or two great authorities have said about this safeguard. I will be very brief, because I am aware that you gentlemen have many engagements. Judge Cooley says of this same guarantee, found in the first amendment to the Federal Constitution.

"The privilege which is thus protected against unfriendly legislation by Congress is almost universally regarded not only as highly important, but as being essential to the very existence and pernetuity of free government.

"You remember what James Madison said in the summer of 1789, when the Federal Congress met in the city of New York:

"The right of freedom of speech is secured; the liberty of the press is expressly declared to be beyond the reach of this Government."

"What did the great Hamilton say in 1804 is "You remember what James Madison said in the summer of 1789, when the Federal Congress met in the city of New York:

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words either spoken or written, and in the great case in the English Court of Appeals in which Charles Bradlaugh and Annie Besant were the parties accused, it was laid down by the learned Judge who wrote one of the opticular that it does not were the parties accused, it was laid down by the learned Judge who wrote one of the opticular that it is a sufficient of the constitution, section 1, and also section 6, containing the bill of the term the law of libed is supposed to apply to defamatory libels.

"I know that in the ordinary acceptance of the term the law of libed is supposed to apply to defamatory libel simply. But such is not the rise technically. The law of libel containing the bill of the law as it stands today, which we find in the Penni looke, and I think, sentiment, that it is sufficiently drawing the law as it stands today, which we find in the Penni low that it is sufficiently drawing the law as it stands today, which we find in the Penni low that it is sufficiently drawing the law as the same time as severe a definition of the law as it was to be constituted to the law as the same time as severe a definition as can be found stated by any text writer as has ever been given by any Judge.

"Hwe turn to chapter 8, section 242, of the Penni Code, we will find libel defined. The Penni Code, we will be compared to the provision of the State to the privilege which is not severe in the provision of the State of the State of the Code of Civil Proceed.

"The law reputation of the code of the Code of Civil Proceed."

"The law reputati

eral offences.

"Now let me discuss for a moment the general question of what does corrupt public morals. That offers a wide field for difference of opinion. Some might say that certain scenes in plays now running in New York tended to corrupt morals. Some might say that ascene in which the heroine, having been somewhat indiscreet with one of the male characters, finds it necessary to kill him and kick his body under a sofa would corrupt public morals. Yet this is from one of our leading novelists. Surely no one could indict, even under this bill, a magazine or paper which published in serial form the installments of the story of a 'Lady of Quality.' But it is unsafe to leave such questions concerning public morals to a jury in some remote part of the State. Some crimes may be committed in two counties, but where a crime is committed in one county I believe it should be tried there. In this case is doesn't make any particular difference, because unless the trial Judge declares the act unconstitutional you are sure to be convicted through the provision which prescribes what shall constitute conclusive evidence. The libel law provides now for presumptive evidence in civil cases, but not for presumptive evidence in civil cases. This bill provides for both. As it stands now, the necused is entitled to know what specific acts he has done for which he is indicted. This bill leaves too much open to prejudice.'

At the conclusion of Col, Bartlett's argument,

acts he has done for which he is indicted. This bill leaves too much open to prejudice." At the conclusion of Col. Bartlett's argument, Schator Elisworth asked bim to submit a brief of the points he had made, and he agreed to

Senator Ellsworth assed him to subserve of the points he had made, and he agreed to do so.

"I for one should be very glad to have it," said Senator Ellsworth.

"Anti the committee," said Senator Lexow, "would also be pleased to have a copy."

Amass J. Parker, Jr., representing the Albany Aryus, also spoke in opposition to the bill. The chief point was that the bill would prevent pleading justification in defence of a libel suit.

"It attempts," he said, "to substitute a criminal proceeding for a fair civil suit. We are now allowed to prove the truth of a libel in justification in a civil suit or as a complete defence to an indictment. This bill makes it a misdemeanor for a paper to print libelious matter. The law now provides that if the matter is true and is published for justifiable ends the accused shall be acquitted. There is no similar safeguard in this bill. Furthermore, the bill allows any person, whether he is the one libelled or not, to lay tefore the District Attorney a complaint on which an indictment may be found. It looks as though the persons behind this bill wanted to prosecute newspapers without making complaints in person."

perfound. It looks as though the persons behind this bill wanted to prosecute newspapers without making complaints in person."

The resolutions adopted last Friday by the New York Press Association, the Republican Editorial Association and the Democratic Editorial Association denouncing the bill were laid before the committee. No one spoke in favor of the bill.

One of the Tuesday dances, the first to be given on a Wednesday, passed off brilliantly last night at Sherry's. The big ballroom was trimmed with festooned garlands and quanti ties of cut flowers. Mrs. J. Frederic Kernochan, ties of cut flowers. Mrs. J. Frederic Kernochan, Mrs. Francis K. Pendleton, Mrs. Alexander Van Rensseiser, and Mrs. Harry Payne Whitney received the guests in the Pink Room, which was embellished with roses and palms. The dances were informal until supper was announced. This was served in the small ballroom and in the room on the lower floor. Afterward a cotilion was danced, led by Craig Wadsworth. The hall was to have been a Mardi Gras event had not the date been advanced to suit the convenience of the hostesses. Therefore a confettificure was danced, and some of the favors were appropriate to the copech. These included paper crebe bags filled with confetti, various colored satin hanners on glit sticks, on which were painted "Hal du Mardi Gras, 1898," and fancy straw baskets trimmed with artificial flowers and filled with bon-bons.

The Pennsylvania Limited for the West Is the business man's train, because it is quick; the tourist's train, because it is a club on wheels; the pleasure-seoker's train, because it is luxurious; the ladies' train, because there is a maid to attend them.

LAWMAKING IN ALBANY.

SENATOR WRAY'S PUBLIC ACCOUNTnate Pames Senator Guy's Proposed Constitu

fional Amendment Regarding Supreme Court Justices—Also Bill Appropriating \$100,-000 to Carry Out the Grade Creating Act. ALBANY, Feb. 16.—Senators Higgins, Ellsworth, and Brackett, all Republicans, opposed Senator Wray's bill relating to the certification of public accountants when it came up on third upon the Regents several of the functions which were left in their discretion in the original law. It provides that at their next annual convocation they shall appoint a board of examiners to serve for three years, to be chosen from a list of six, two each to be nominated by the three associations of public accountants. It also compels the Regents to waive examination of persons who before the passage of the original law. This clause was formerly permissive and the Regents waived examination only in the case of persons who had practiced for five years. Under the provision restricting the choice of examiners Frank Brooker of Brooklyn would again be eligible to appointment, as he is a member of two of the societies. He was formerly a member of the board, but was dropped by the Regents after he had published a book of instrucsold for \$3 a copy.

the discretion now lodged in the Regents should not be abrogated, as it had been exercised by them for the interest of the public and the pro fession. Senator Wray was finally compelled

to lay the bill aside.

The Senate passed Senator Guy's concurrent resolution for the submission to popular vote of an amendment to the Constitution authorizing the Governor to make temporary designations of Supreme Court Justices to the Appellate Division upon the certificate of the presiding Justice that one or more additional Justices are needed for the speedy disposition of the business

The Senate also passed Senator Guy's bill adding to the public school teachers' retirement fund 5 per cent. annually of the excise funds belonging to the city of New York, and providing that the money shall be apportioned among the several boroughs in proportion to the number of teachers actually employed and the amount of salaries paid to them. Senator Raines cast the only vote against the bill.

Senator Ellsworth's bill appropriating \$100. 000 to carry out the purposes of the grade crossing act adopted last year was passed without debate. Senators Coffey and Featherson voted against it.
The Senate also passed these bills:

Senator Guy's, permitting the filing of amended claims for damages caused by changes of grade in the Twenty-third and Twenty-third and Twenty-third and transacting credit guaranty business in this State shall advertise any assets or capitalization which are not held at the sole and exclusive risk of such business.

Senator Dry Dollar Sullivan turned up to-day with a new scheme for civil service reform. He put in a bill which provides that any person who graduates hereafter, or who has graduated within ten years, from a grammar or high school in this State or any other school in the State in which practically the same courses are pursued, shall receive a diploma, which shall be equivalent to a mental examination by civil service commissions for places as policemen, firsmen, minor clerks, or any place where the salary does not exceed \$1,200 a year.

Senator Page introduced a bill authorizing the Board of Estimate to appropriate an additional yearly sum of \$30,000 for the American Museum of Natural History, provided it be kept open hereafter free of charge five days a week, including Sunday afternoons and all bolidays.

Senator Coffey introduced a bill providing that the local improvement bonds of the late town of Gravesend, sold since Jan. 1, 1898, in compliance with a mandamus of the Supreme Court, shall be signed by the late Supervisor of the town and made payable at the office of the Comptroller of New York city, and shall be binding according to the terms thereof. The proceeds of the bonds are to be turned over to the Chamberlain by the Supervisor to be used for the purposes for which the bonds were issued.

These other bills were introduced in the Senate: These other bills were introduced in the

Senato:
Benator Foley—Restricting elevator charges on grain carried on the canals to 50 cents a thousand bushels for the use of steam showels. half a cent a bushel for elevating, and an eighth of a cent for storing the first ten days, and a tenth of a cent for each ten days thereafter.

Senator Wray—Requiring ferries to sell tickets in lots of twenty-five.

Senator Wilcox—Authorizing the Governor to increase the Board of Managers of any State hospital from seven to nine, and to appoint two additions managers.

managers.

Some discussion was had in the Assembly to-day upon Senator White's Syracuse Ward Boundary bill, and it was finally advanced to a third reading. To the Democratic claim that the bill was a gerrymander, Republican Leader Nixon replied that, based on last fall's vote in Syracuse for the Democratic candidate for Mayor, who was elected, the Democrats would Mayor, who was elected, the Democrats woul-have ten and the Republicans nine Aldermer under ward apportionment provided for in Sena tor White's bill. This bill, he said, was simply intended to wipe off the statute books the gerrymander passed by the Democratic Legisla ture of 1892.

Assemblyman Oliver sought information from

ture of 1892.

Assemblyman Oliver sought information from Chairman Marshall of the Cities Committee regarding the fate of his resolution, referred to that committee three weeks ago, calling upon Commissioner Kearney of the New York city Lighting Department for information regarding the income, capital stock, and assets of New York city gas companies. Mr. Oliver was inormed that a hearing on the resolution had een set down for Feb. 24.

The Assembly passed Senator Page's bill exempting from Croton water assessments the house of worship of the Congregation Shearith Israel in New York city. Assemblyman E. C. Hrennan (Ren., Kings) introduced a bill providing that in Kings, Queens and Richmond counties all persons found guilty of public intoxication and all vagrants and disorderly persons shall be punished by a fine of not less than \$3 nor more than \$10, or by imprisonment in the county jail for not exceeding six months, or both. Assemblyman Murray (Dem., N. Y.) has a bill compelling street surface railroad companies whose cars are operated by electric or cable power in Manhattan borough to employ an additional conductor on each car between the hours of 6 and 9 A. M. and 4 and 8 P. M. One of the two conductors must have had actual experience as a gripman or motorman. Nine hours shall constitute a day's work for such additional conductor, and no person shall be assigned to such duty who has during the same day been employed as a conductor, motorman or gripman.

signed to such duty who has during the same day been employed as a conductor, motorman or gripman.

Assemblyman Collins introduced a bill amending the Domestic Relations law by making valid a marriage where the parties thereto subscribe and acknowledge before an officer authorized to take the acknowledgement of deeds an agreement stating the names and places of residence of the parties and that they take each other for husband and wife. The officer taking the acknowledgment must know that the parties making it are the persons who executed the agreement, and he shall deliver such agreement, and he shall deliver such agreement and certificate of his acknowledgment to the wife. Such marriage agreements shall be recorded as are others now authorized by law, Assemblyman Schnid (Dem., Kings) introduced a bill providing that bicycles shall have bells attached as well as lighted lamps at night, and shall not be ridden ordinarily faster than eight miles an hour, nor upon a sidewalk or footpath in any city, town, or village.

These other bills were introduced in the Assembly:

sembly:

Mr. Wicke-Fixing a 10 cent rate for a five-minute telephone conversation in New York and Buffalo, and 5 cents for each additional five minutes.

Mr. Sullivan-Providing that the assistant clerks and the interpreter in the New York City Court shall receive a salary of \$2.000 instead of \$1,500 each.

Mr. Farrell-Giving the St. Agnes Nursery of Brooklyn borough \$2.500 annually of New York city moneys.

Mr. Egan-Providing that not more than five cents shall be charged for passengers on any East River ferry operating between Mannattan and Brooklyn boroughs.

Mr. Miller-Providing that a director or other officer.

Miller—Providing that a director or other officer Mr. Miller—Providing that a director or other offices of a State bank shall not be a trustee of a savings bank, and vacating the office of any trustee of a savings bank who is now an officer of a State bank. Mr. Egan—Providing that a street railroad in New York or Buffalo shall cause a sign to be placed in a conspicuous place on each car which does not run the entire length of such line, which sign shall state the destination of such car. Any car not having such a sign thereon shall run to the end of the road. Mr. Mcduirs—Fixing a flat penalty of \$100 for violations of the Agricultural law.

PITTEBURO, Pa., Feb. 16.-The Eastern express on the Pittsburg and Fort Wayne Rail road struck and instantly killed three men tonight. They were William Ryan of Lectonia Salem, O. The men had been working for some time in Pittsburg and went down to the Fort Wayne yards at Verner, on the edge of Alleghe-ny to board a freight train for their homes, While running along the track the Eastern ex-press struck them and killed them instantly.

Little Gold in the Yaqui Country. SAN ANTONIO, Tex., Feb. 16.-W. F. Wilson, a noted mining expert, arrived here to-day from the Yaqui River country, State of Sonora, Mex-ico, where he went to investigate the reported rich gold fields. He says that gold does not ex-ist there in paying quantities.

THE FREE DISPENSARY BILL. Physicians Advocate and Oppose the Measure

Regulating Their Scope.

ALBANY, Feb. 16.—Many well-known physicians of New York city to-day appeared at a joint meeting of the Public Health Committee of the two houses both for and against the bill introduced in each house providing for a more rigid supervision of free dispensaries by the State Board of Charities and that such institutions must be licensed by the board. James G. Cannon, Theo. W. Morris, Frederick J. De Peyster, George V. Tompkins, A. M. Lyon, R. L. Swezey, and Samuel Rowland, Presidents of New York city dispensaries; Dr. D. B. St. John

Swezey, and Samuel Rowland, Presidents of New York city dispensaries; Dr. D. B. St. John Roosa, President of the New York Post-Graduate Hospital; Dr. D. M. Wooley, Surgeon-in-Chief of the Long Island Throat Hospital, and Henry R. Ickelbeimer of the Mount Sinal Hospital and Dispensary of New York city argued in opposition to the measure. They said the bill really meant an unjust interference with the rights of these dispensaries to conduct their own affairs and denied that 50 per cent. of the residents of Manhattan borough were receiving medical treatment free. They admitted that some abuses existed, but they do not think this bill would remedy them.

Dr. Roosa denied the statement that the Post-Graduate Hospital had endeavored to secure from the New York city Treasury \$11,000 more than it was entitled to for the free treatment of patients last year, and asserted this would be fully proved when this question was reached in the courts.

John E. Brodsky, Dr. Stephen Smith, Dr. James H. Burtenshaw, Dr. George M. Tuttle and Dr. Frederick K. Wiggin of New York city and Dr. Arthur M. Jacobus, President of the New York County Medical Society, were among those present in support of the bill. Secretary Robert W. Hebbard of the State Board of Charities in summing up their arguments said statistics proved that thousands of people in Manhattan borough, abundantly able to pay, annually sought and received free medical treatment althe dispensaries. He ursed that there was a general demand for reform in the system of dispensing medical charity, as new people of means crowded out of the free dispensaries more needy persons without means for whom the dispensaries were established originally. Some definite law was needed to reach the existing grave abuses, and in his opinion the bill favorably.

GREATER CITY CELEBRATION. of the National Guard in This City.

ALBANY, Feb. 16 .- A delegation representing celebration of the anniversary of the signing of

held in New York city May 8, 4 and 5 next, ap peared before Gov. Black to-day and asked his support for a bill which will permit the mobiliza-tion of the five brigades of the State National Guard in New York city during the celebration The delegation consisted of President W. D. Washington of the citizens' committee, Major Gen. Charles F. Roe, commander of the National Guard; Col. J. J. Garnett, Secretary of the citizens' committee; Calvin S. Brice, Jr., Gen-Howard Carroll, and Senators McNulty and

zens' committee; Caivin S. Brice, Jr., Gense Howard Carroll, and Senstors McNulty and Cantor.

President Washington, who is a lineal descendant of President George Washington, set forth the desires of the committee to the Governor. He said it was proposed to have the entire Guard camp for one week in Van Cortlandt Park, instead of the regular summer duty at the camp for military instruction at Peckskill. The expenses would not exceed by \$10,000 the amount which would otherwise be expended at the State camp. It would accomplish that which is desired by all military men in the State—that of manœuvring the Guard as a military division. The instruction of the camp could be given there, the men thereby losing nothing in the way of camp experience, and at the same time deriving those benefits in the way of experience which can only be had when large forces of troops are manœuvred. It would likewise give the officers of the Guard an opportunity to show their ability to handle a large force of men.

Maior Burbank, the representative of the

nity to show their ability to mainto a large to the of men.

Major Burbank, the representative of the United States Army at National Guard head-quarters, he said, thought that as a matter of discipline for the troops it would go far ahead of the week's instruction in camp. Other military officers were also in favor of it. There will be at least 15,000 troops from other States, and it would not be consistent if New York State did not have all her troops there.

The Governor said he would consider the matter and announce his determination later.

HART NOT A JUSTICE.

ALBANY, Feb. 16.-The State Board of Can rassers met to-day to act on the contention of Coloridge A. Hart of Brooklyn that there should have been an election last fall instead of the Court, Second Judicial district, to fill a vacancy caused by the death in August, 1896, of Calvin E. Pratt. The board canvassed the amended statement of votes given in Westchester county, which was filed pursuant to a court order. This return shows that Hart received five votes, and Mr. Hart demanded that the State Canvassers should declare that he had been elected.

Attorney-General Hancock thought should not be done, as the State Board of Canvassers had already passed upon the returns. which it had decided and elected four Supreme Court Justices for the Second Judicial district. If Hart was declared to have been elected, he said, the board would be placed in the ridiculous

said, the board would be placed in the ridiculous position of having declared five Justices elected. He therefore moved that Mr. Hart's demand be denied, which motion was carried.

Mr. Hart said that he would promptly make an effort to secure a mandamus to compel the board to reconvene and declare him elected; after which he will ask the courts to decide that a vacancy existed to which he was elected.

The only question in the case is as to whether there was time before the general election in 1896 for the legal filing of a nomination for the office. The Constitution requires nominations for the Supreme Court bench to be made three months before election. Justice Pratt died on Aug. 3 at 11 A. M., and the election occurred on Nov. 3, so that Hart's contention rests upon the point that there was not time enough by some few hours for the legal filing of a nomination prior to the 1896 election.

Mensure.

ATRANY, Feb. 16.-The Republican Senator went into conference to-night, and, after a long ession, agreed to support the Biennial Sessions bill as a party measure. This is not really tempt to have the conference turned into a Malby, Ford, and Nussbaum, voted against the bill, however, and as only six were absent, it is certain of being considered a party measure, and there is little doubt that it will pass the Senate at least.

The conference to-night, before taking up the bill, adopted a resolution offered by Senator Higgins, providing that hereafter no bill should be made a party measure except by a three-fifths vote. Heretofore the majority rule has prevailed.

nitis vote. Heretofore the majority rule has prevailed, The bill provides that Assemblymen shall receive \$1,500 for two-year terms, instead of the same sum for one year terms as now, and Senators \$3,000 for four years, instead of \$1,500 for one year. Senator Wilcox wanted the salaries made \$1,500 a year. Senator Grant proposed a compromise on \$1,000 a year, and this was finally adopted.

Bicyclist Dragged by a Trolley Car.

John E. Crawley, colored, 25 years old, of 176 sixth avenue, while riding a bicycle on Flatbush avenue, near Prospect place, Brooklyn, iast night, was run into by trolley car 661 of the Seventh avenue line. Crawley's clothing became entangled in one of the hooks on the car, and he was dragged seventy-five feet. He sustained bruises on the body and legs, but refused medical attention, and walked home. His bicycle was wrecked.

Anthracite Coal Output in January.

Returns from the anthracite coal carrying and producing companies make the January output of anthracite 3.073,000 tons. This is only 73,000 tons above the estimate of what the market requirements for the month would be, and is 700,000 tons less than the output of the provious month. The production in January a year ago was 2,854,400 tons. eral and Chief of Staff; Col. William Ladd, Jr., to be Judge Advocate, and Licut. Louis Greer of

SPARKS FROM THE TELEGRAPH.

The freight depot and storage warehouse of the Philadeiphia and Reading Ratiroad Company at Front and Noble streets, in Philadeiphia, was destroyed by fire yesterday morning, invoiving a loss of \$50,000 on the building and \$100,000 on the contents.

tents.

The State Railroad Commission has denied the application of the illiverhead, Quogus and Southampton Railroad Company to construct a trolley road to tween Riverhead and Southampton, L. I. The application was opposed by the Long Island Railroad Company on the ground that the trolley company intended to parallel its lines.

Jienry G. Parker, cashier of the National Bank of New Jersey, has been appointed temporary receiver of the National Water Tube Boller Company of New Brunswick, N. J. The appointment was made by Chancellor HeGill on the application of the belier company, which is insolvest.

EDW. L. PREETORIUS OF WESTLICHE POST

Finds a Never-Failing Invigorator and Remedy in Paine's Celery Compound



hands of Dr. Emil Prectorius and the Hon, Carl lated German dailies in the land, its influence is out of all proportion to its size, because of the

character of its constituency.

German readers are more attentive to edi torial opinions, and more influenced by them, than is true of others. For 40 years the Westliche Post has shown the most effective devotion to honorable and progressive ideas.

Edward Preetorius, business manager and treasurer, is a man of distinction throughout he Southwest, and is known to many thousands in other portions of the country for his broad business methods and for the commanding inluence of his journal in national, State, and Mr. Prectorius is an indefatigable worker.

EXPENSES OF INVESTIGATIONS.

Bill to Reimburse Officials Who Have Had

The St. Louis Westliche Post is the leading derman daily of the Mississippi valley, and one of the few great German newspapers in the United States.

Established in 1857, it soon passed into the hands of Dr. Emil Prectorius and the Hon. Carl Schurz. Althoush one of the most widely clean and steel, and not the most sensitive parts of the head aches and a run-down condition.

It is the power of rapidly repairing the blood that mainer the precious strength, his personal experience and his estimate of Paine's celery compound must have exceptional weight, especially with brain workers and men and women whose nerves are increasantly called on, as if they were of iron and steel, and not the most sensitive parts of the head aches and a run-down condition.

It is the power of rapidly repairing the blood that mainer the procession to unusual business that the power of rapidly repairing the blood that mainer the procession to unusual business that the power of rapidly repairing the blood that mainer the procession to unusual business that the power of rapidly repairing the power of rapidly repairing the procession to unusual business that the power of rapidly repairing the procession to unusual business that the power of rapidly repairing the procession to unusual business that the power of rapidly repairing the procession to unusual business that the power of rapidly repairing the procession to unusual business that the power of rapidly repairing the procession to unusual business that the power of rapidly repairing the power of rapidly repairing the procession to unusual business that the power of rapidly repairing the blood that main the procession to unusual business that the power of rapidly repairing the blood that main the procession to unusual business that the power of rapidly repairing the blood that main the procession to unusual business the procession to unusual business the procession to unusual business that the power of rapidly repairing the blood that main the procession that the power of the procession t the body.

Mr. Prectorius's letter, given below, shows his confidence in America's greatest remedy.

ST. LOUIS, Jan. 15, 1898, Messrs. Wells & Richardson Co., Burlington,

Vt.-tientlemen: I have found that Paine's celery compound is the only remedy that will restore the nerves which have been shattered by over-Work, worry or business cares.

I can certainly recommend it without hesitation to all those in need of such a reconstructant of the nervous system.

Yours truly,
EDWARD L. PREETORIUS.
The relative merit and efficiency of Paine's
celery compound, in comparison with all other
remedies for making people well, is clearly
shown in the intelligent character and responsible standing of the people who to-day rely on it
to cure insounda, nervous debility, persistent

increases the volume of healthy blood, so that a breakdown of some vital part is averted.

While taking Paine's celery compound there is a general building up of the deep lying tissues all over the body, and a throwing off of unsound elements that clog and interfere with its healthy activity.

The story of the discovery and unparalleled success of Paine's celery compound is the story of a high purpose steadfastly followed, the final work of the lifelong study of the nervous system in health and disease by Prof. Edward E. Phelps, M. D. Lie, D., of the Dartmouth medical faculty. To-day rhoumatism and neuralgia, heart pal-

pitation and nervous dyspensia are taken in hand by Paine's celery compound with the absolute assurance of freeing the system of them entirely.

In this greatest of all remedies there is hope for every person distressed by symptoms of dyspensia, impure blood, failing vigor or low nervous condition.

POUGHKEEPSIE HOTEL SUICIDE

Two Men from This City Provide Money for

the Burial of E. Anders. POUGHKEEPSIE, Feb. 16 .- Coroner Frost this morning received a telegram from New York, signed "R. F. Gorton," asking him not to bury the remains of E. Anders, the Nelson House suielde, until his arrival. A man who answered to the name of Gorton, accompanied by another man, called on Coroner Frost at 11 A. M. They asked for a private interview, and at its conclusion refused to make any statement. Coroner sion refused to make any statement. Coroner Frost said that they left money to provide for the burnal of Anders, but did not give their names or addresses or throw any light on the mystery. The two men went to the Nelson House and identified the handwriting of Anders on the register. They left for New York on the neon train. They were not subpensed by the Coroner to attend the inquest. Anders's body was buried this afternoon. The burnal permit gives the following information, all that is known of the dead man's history:

Name, Ernest Anders; age, 38: occupation, professor of music; born, Austria; how long in America, fourteen years; parents born in Austria.

SUICIDE AT THE MORTON HOUSE. A Lodger Who Registered as Denis Harrison,

Edinburgh, Shoots Himself. A man about 30 years old registered at the as Denis Harrison, Edinburgh. The man, who seemed to be in good spirits, went immediately
to his room, which was on the second floor. At
3 o'clock yesterday afternoon a chambermaid
found him dead on the floor. Harrison had shot
himself through the right temple with a 32calibre revolver, and had been dead for some
hours when discovered. The suicide left no
papers or letters.

Three Finglish live shilling coins, dated 1822,
and 22 ceasis were found in his posities. There
was also a burnen of keys which had the tag of
"The Bar, &c., Recovery tompany, 62 chancery
Lane, London, W. C., and offered a reward of
2 distanting the keys if lost. The
number on the less was 9.815. The neckt'e bore
the tag f J. F. Edwards, 27 George IV. Bridge,
Edmourch.

dinburgh.
The suicide's body was removed to the Morgue.

LIZZIE DORR WANTED TO DIE.

She Took Parts Green Because of a Scolding

Lizzie Dorr, 16 years old, employed in the Alliance silk mill in West New York, tried to kill Hance silk mill in West New York, tried to kill herself yesterday in the cressess of a number of other captoyees in the mill by taking a dose of ratie green. When revived by Dr. C. Justin an hear later she said that she wanted to die, because her granimether. Mrs. John Lautz, with whom she lived, had seeded her because she rumaned out into a dight, who is now control to be home at Europeine and Fermion average, and Dr. Justin sign she will not be able to leave it for some days.

Commercial Stores at Brooklyn Robbed.

John Hendershot, 29 years old, of 97 Com-

A.Bill to Reimburse Officials Who Have Had to Defend Themselves.

ALBANY, Feb. 16.—Much interest has been shown in a bill introduced by Assemblyman Oliver (Dem., N. Y.) two weeks ago authorizing the payment of legal expenses of any public official incurred in successfully defending charges upon which his removal from office was demanded. It has been learned the bill was introduced in the interest of the New York city nowlice officials who were smirched in the Lexow police investigation in 1804. Mr. Oliver says the bill would bring under its provisions Inspector McLaughlin and Cantains Shechan, Cross, Devery, Price, and Stephenson and the other members of the police force whose names became prominent through the proceedings of the investigation.

The bill is general and applies to every county in the State. It directs a County Treasurer, and in New York the City Composiler, within three months after the passage of the act to inquire into and examine claims made against the county "arising out of reasonable counsel fees and expenses paid or incurred by any olitical in any trial or proceeding commenced within such county in the county in remove him from office or in which it is sought to convict him of any crime in the performance of or in connection with his official ditty, and such claims shall be fixed in writing within two months after the massage of the act to inquire into and examine claims made against the county in the county in remove him from office or in which it is sought to convict him of any crime in the performance of or in connection with his office.

The bill is general and applies to every county in the State. It directs a County Treasurer, and in New York the City Composite, within two months after the hassage of the act to inquire into and examine claims made against the county of the police of the county of the cou Joseph Rawson Palmer, one of the oldest resi-

ALBANY, Feb. 16.-Major-Gen. Roe to-day announced the appointment of three members of his staff: Col. Stephon II. Olin to be Adjutant-Gen-

to be Judge Advocate, and Lieut. Louis Greer of Squadron A to be side-de-camp, with the rank of Major. All are New Yorkers. Udl. Olin is the present Assistant Adjutant General of the First Brigade, and Col. Ladd is an Assistant Judge-Advocate General. Gen. Roe said that he had proffered an appointment as addedocamp to Caut. Williams of the Third Signal Cores. Albany, but Capt. Williams had not yet accepted. His whole staff, Gen. Roe said, would be selected from among the officers of the National Guard. State Farmers' Congress Recommend the Sale of the Caunts.

ALBANY, Feb. 16 .- A resolution was adopted to-day at the State Farmers' Congress protesting against any further appropriations for the canale, and recommending their sale to the na-tional Government for a deep waterway. As-somblyman A. W. Litchard of Allegany county was redicated President of the congress.

ratic Club.

Mrs. Eliza Wall, who died at the Greenwich, Coha., Pour hones on Tursday, had been a resident of the town for more than 100 years. San was born in Sound Boach, her father being Peter Whitney. Her death was due to pocumonia.

Chwles Francis Winthrau of this city, who, with his wife, had been living abroad for some time, died in Paris yesterday. Mr. Winthrap was 71 years old. He was a member of the Union Club.

PATERNON, N. J., Feb. 16.-William Barelay,

who was bitten by a mod dog about two months ago, died at the General Hegatal here this norming of hydroglobia. Earthy did not develop any symptoms of rathes that about a week ago. He leaves a walow and several children.

Charles Landmesser, 98 years old, of 247 Fourteenth street, Jersey City, killed himself.